

1-1 By: Moody, et al. (Senate Sponsor - Van de Putte) H.B. No. 3017
 1-2 (In the Senate - Received from the House May 9, 2013;
 1-3 May 9, 2013, read first time and referred to Committee on
 1-4 Administration; May 17, 2013, reported favorably by the following
 1-5 vote: Yeas 4, Nays 0; May 17, 2013, sent to printer.)

1-6 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-7				
1-8	X			
1-9	X			
1-10			X	
1-11	X			
1-12			X	
1-13			X	
1-14	X			

1-15 A BILL TO BE ENTITLED
 1-16 AN ACT

1-17 relating to determination of the amount of certain child support
 1-18 obligations.

1-19 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-20 SECTION 1. Section 154.062(b), Family Code, is amended to
 1-21 read as follows:

1-22 (b) Resources include:

1-23 (1) 100 percent of all wage and salary income and other
 1-24 compensation for personal services (including commissions,
 1-25 overtime pay, tips, and bonuses);

1-26 (2) interest, dividends, and royalty income;

1-27 (3) self-employment income;

1-28 (4) net rental income (defined as rent after deducting
 1-29 operating expenses and mortgage payments, but not including noncash
 1-30 items such as depreciation); and

1-31 (5) all other income actually being received,
 1-32 including severance pay, retirement benefits, pensions, trust
 1-33 income, annuities, capital gains, social security benefits other
 1-34 than supplemental security income, United States Department of
 1-35 Veterans Affairs disability benefits other than
 1-36 non-service-connected disability pension benefits, as defined by
 1-37 38 U.S.C. Section 101(17), unemployment benefits, disability and
 1-38 workers' compensation benefits, interest income from notes
 1-39 regardless of the source, gifts and prizes, spousal maintenance,
 1-40 and alimony.

1-41 SECTION 2. Section 154.066, Family Code, is amended to read
 1-42 as follows:

1-43 Sec. 154.066. INTENTIONAL UNEMPLOYMENT OR UNDEREMPLOYMENT.

1-44 (a) If the actual income of the obligor is significantly less than
 1-45 what the obligor could earn because of intentional unemployment or
 1-46 underemployment, the court may apply the support guidelines to the
 1-47 earning potential of the obligor.

1-48 (b) In determining whether an obligor is intentionally
 1-49 unemployed or underemployed, the court may consider evidence that
 1-50 the obligor is a veteran, as defined by 38 U.S.C. Section 101(2),
 1-51 who is seeking or has been awarded:

1-52 (1) United States Department of Veterans Affairs
 1-53 disability benefits, as defined by 38 U.S.C. Section 101(16); or

1-54 (2) non-service-connected disability pension
 1-55 benefits, as defined by 38 U.S.C. Section 101(17).

1-56 SECTION 3. Section 154.068, Family Code, is amended to read
 1-57 as follows:

1-58 Sec. 154.068. WAGE AND SALARY PRESUMPTION. In the absence
 1-59 of evidence of a party's resources, as defined by Section
 1-60 154.062(b) [the wage and salary income of a party], the court shall
 1-61 presume that the party has income [~~wages or salary~~] equal to the

2-1 federal minimum wage for a 40-hour week to which the support
2-2 guidelines may be applied.

2-3 SECTION 4. The changes in law made by this Act to Sections
2-4 154.062, 154.066, and 154.068, Family Code, apply only to a
2-5 proceeding to establish or modify a child support obligation that
2-6 is pending in a trial court on or filed on or after the effective
2-7 date of this Act.

2-8 SECTION 5. This Act takes effect September 1, 2013.

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